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HOUSE OF REPRESENTATIVES
REPORT
101-376

HURRICANE HUGO EMERGENCY RELIEF ACT

NOVEMBER 17, 1989.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. ANDERSON, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 3593]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 3593) to provide emergency assistance to areas that sustained damages as a result of Hurricane Hugo, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hurricane Hugo Emergency Relief Act".

SEC. 2. BEACH RESTORATION ASSESSMENT.

(a) IN GENERAL.—Upon request of the Governor of the Virgin Islands or the Commonwealth of Puerto Rico, the Secretary of the Army shall conduct an assessment of beaches in the Virgin Islands and the Commonwealth of Puerto Rico, respectively, damaged by Hurricane Hugo, September 1989, for purposes of determining the extent of damages, measures necessary for restoration, estimated cost of restoration, and estimated required construction period for restoration.

(b) REPORT.—Not later than 90 days after the date of a request under subsection (a), the Secretary of the Army shall submit to Congress, the Governor of the Virgin Islands, and the Governor of the Commonwealth of Puerto Rico a report on the results of the assessment conducted under this section, together with recommendations.

SEC. 3. CONSTRUCTION PROJECTS THROUGH SECRETARY OF THE ARMY.

(a) GENERAL RULE.—Upon request of the Governor of the Virgin Islands with respect to a construction project in the Virgin Islands for which Federal financial assistance is available under any law of the United States, the Federal official administering such assistance may make such assistance available to the Secretary of the Army instead of the Virgin Islands. The Secretary of the Army shall use such assistance to carry out such project in accordance with the provisions of such law.

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(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as relieving the Virgin Islands from complying with any requirements for non-Federal cooperation with respect to a construction project carried out with Federal financial assistance provided to the Secretary of the Army pursuant to this section; except that the Secretary shall be responsible for complying with administrative and fiscal requirements associated with utilization of such assistance.

(c) TERMINATION DATE.—Subsection (a) shall not be effective after the last day of the 3-year period beginning on the date of the enactment of this Act; except that the Secretary of the Army shall complete construction of any project commenced under subsection (a) before such day.

SEC. 4. SAVAN GUT FLOOD CONTROL PROJECT.

The maximum amount which may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the flood control project for Savan Gut, Virgin Islands, shall be $10,000,000 instead of $5,000,000. Nothing in this section shall be construed as affecting any cost sharing requirements applicable to such projects under the Water Resources Development Act of 1986.

SEC. 5. WAIVER OF LIMITATION ON HIGHWAY EMERGENCY OBLIGATIONS.

The $5,000,000 limitation contained in section 125(b)(2) of title 23, United States Code, on obligations for projects under section 125 of such title in a fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not apply with respect to obligations for projects resulting from Hurricane Hugo, September 1989.

SEC. 6. FHWA TECHNICIANS.

The Secretary of Transportation shall provide, at the expenses of the Federal Highway Administration, not less than 2 technicians from the Federal Highway Administration to provide assistance (including damage assessment, planning, engineering, design, and contract solicitation, award, and administration) in repairing and reconstructing portions of the Federal-aid highway system in the Virgin Islands damaged or destroyed as a result of Hurricane Hugo, September 1989.

INTRODUCTION

Hurricane Hugo struck the United States' Territory of the Virgin Islands on September 17, 1989, generating maximum sustained winds of 140 miles per hour. Heavy winds continued through mid-afternoon of September 18, with residents recording gusts at more than 200 miles per hour, and the storm spawning highly destructive tornados. Moreover, because the storm passed so slowly over St. Croix, moving at about half of its previous speed, the devastation lasted for a much longer period.

The winds uprooted trees, broke utility poles, and shattered cars and buildings. As many as 90 percent of the island's buildings sustained damage, and nearly 70 percent of all structures had major damage.

Even now, 8 weeks after the storm hit, more than 75 percent of the people of St. Croix lack electrical power. More than 75 percent lack phone service. Schools are struggling to rebuild, and hotels, marinas, and other industries are struggling to restore basic services to a shattered economy. This bill is designed to assist in the long-term recovery of the Virgin Islands and to provide for a more effective use of resources in achieving that recovery.

MISCELLANEOUS

The Mon Bijou Flood Control Project on St. Croix is critically needed. The basic feasibility study has been completed on the project. It has a benefit cost ratio of 1.2 and an estimated total cost of $3.67 million of which $900,000 is the estimated local share. The devastation caused by Hurricane Hugo has increased the need for

this project while it has decreased the ability of the Government of the Virgin Islands to finance its share. The Committee, consequently, urges the Secretary of the Army to exercise to the fullest his authority to reduce the local share in view of the extraordinary circumstances relating to Hurricane Hugo.

SECTION-BY-SECTION ANALYSIS

Section 1—Short Title

This section provides that the act may be cited as the Hurricane Hugo Emergency Relief Act.

Section 2—Beach Restoration Assessment

This section provides that upon request of the Governor of the Virgin Islands or the Commonwealth of Puerto Rico, the Secretary of the Army is to conduct an assessment of beaches in the Virgin Islands and the Commonwealth of Puerto Rico damaged by Hurricane Hugo. The assessment is to determine the extent of damages, measures necessary for restoration, estimated cost of restoration, and estimated required construction period for restoration. The Secretary of the Army is to submit a report on the results of the assessment conducted under this section together with his recommendations, to the Congress and the Governors of the Virgin Islands and Puerto Rico, within 90 days.

[illegible]

This section provides that upon request of the Governor of the Virgin Islands with respect to a construction project in the Virgin Islands for which Federal financial assistance is available under any law of the United States, the Federal official administering such assistance may make the assistance available to the Secretary of the Army instead of the Virgin Islands. The Secretary of the Army is to use such assistance to carry out the project in accordance with the provisions of the law under which the assistance is provided. Under the existing provisions of section 132 of Title 23 of the United States Code, the Federal Highway Administration has the authority to make payments on Federal-aid projects undertaken by a Federal agency.

This section specifically provides that nothing is to be construed as relieving the Virgin Islands from complying with any requirements for non-Federal cooperation with respect to a construction project carried out with Federal financial assistance provided to the Secretary of Army pursuant to this section. However, the Secretary is responsible for complying with administrative and fiscal requirements associated with the use of such assistance. The authority in this section expires in 3 years, except that the Secretary of the Army is authorized to complete construction of any project which had been commenced prior to the end of the 3-year period.

Section 4—Savan Gut Flood Control Project

This section provides that the maximum amount of Federal funds which may be allotted under section 205 of the Flood Control Act of 1948 for the flood control project for Savan Gut, Virgin Islands, is to be $10 million instead of $5 million. This increase in

spending authority is not to be construed as affecting any cost-sharing requirements applicable to the projcet under the Water Resources Development Act of 1986.

Section 5—Waiver of Limitation on Highway Emergency Obligations

This section provides that the $5 million limitation contained in section 125(b)(2) of Title 23, United States Code, on obligations for projects under section 125 of such title in a fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands does not apply with respect to obligations for projects resulting from Hurricane Hugo, September 1989.

Section 6—FHWA Technicians

This section provides that the Secretry of Transportation is to provide no fewer than two technicians from the Federal Highway Administration to provide assistance (including damage assessment, planning, engineering, design, and contract solicitation, award and administration) in repairing and reconstructing portions of the Federal Aid Highway system in the Virgin Islands damaged or destroyed as a result of Hurricane Hugo, September 1989. The two technicians will be provided at the expense of the Federal Highway Administration.

COMPLIANCE WITH CLAUSE 2(1) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

(1) With reference to clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Subcommittee on Investigations and Oversight has not made findings and recommendations on the subject matter of the legislation.

(2) With reference to clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives, H.R. 3593, as reported, does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures, accordingly, a statement pursuant to section 308(a) of the Congressional Budget Act is not required.

(3) With reference to clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee has not received an estimate and comparison on H.R. 3593 prepared by the Congressional Budget Office under section 403 of the Congressional Budget Act.

(4) With reference to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Comnittee does not have oversight findings and recommendations from the Committee on Government Operations on H.R. 3593.

(5) With reference to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the following information is provided: The effect of carrying out H.R. 3593, as reported, should be minimal with respect to inflationary impacts on prices and costs and the operation of the National Economy.

COST OF LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires a statement of the estimated costs of the United States which would be incurred in carrying out H.R. 3593, as reported, in fiscal year 1990, and each of the following 5 years. the bill provides no new authorization for appropriations of funds. The Committee expects that the implementation of section 2, Beach Restoration Assessment, section 3, Construction Projects Through the Secretary of the Army, and section 6, FHWA Technicians will be conducted with funds previously appropriated to the Agencies. Section 4, Savan Gut Flood Control Project could result in an expenditure of $5 million in fiscal year 1991, but the appropriation of money for that purpose would be subject to the budgetary process and the annual obligation ceiling for construction of projects by the Secretary of the Army contained in section 901 of Public Law 99–662. The removal of the limitation contained in section 5, Waiver of Limitation on Highway Emergency Obligations, could result in additional spending in the United States Territories, but such spending would occur from funds previously authorized and appropriated.

COMMITTEE ACTION AND VOTE

The Committee, in compliance with rule XI(2)(1)(2)(A) of the Rules of the House of Representatives, reports favorably the bill, H.R. 3593, as amended. The Committee ordered the bill reported by voice vote.

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